App. F. IX-4

Previous References

1934-35 (C.S.)

File No. 33/34

Serial Nos. 493-

Later References.

GENERAL AND REVENUE SECRETARIAT.

Serial Nos. 493-

Part B for January 1935-

SUBJECT.

Copy of a programme, Agenda & Work connected relating to the Session of the Chamber of Princes

WD 01965—GPB—15,000—7-7-34

With the Compliments

of

His Highness the Chancellor,

Chamber of Princes.

Dated

C-15 1171

The Palace,

Mysore, 15th January 1935.

16

C.S. 33-34-4

3897

Dear Mr. Ranga Rao,

I am sending herewith for favour of disposal copy of a programme of meetings of the Chamber of Princes to be held in New Delhi during the month, received from His Highness the Chancellor.

Yours sincerely,

N. Hanumantha Rao

Rajasevasakta
R. Ranga Rao, Esq., B.A., B.L.,
Chief Secretary to the Government
of Mysore, Bangalore.

Office of H.H. the Chancellor, Chamber of Princes.

Tentative agenda of the informal meetings of Princes, January, 1935.

1. Opening Statement by H.H. the Chancellor.

2. Resolutions on the Report of the Joint Select Committee of Parliament.

3. To ascertain the wishes of the Princes in regard to any matter to be included, in the Princes' reply to H.E. the Viceroy's Opening Address to the Chamber and to fix time and date for the approval of the draft of the Princes' reply.

4. To consider the names of speakers on the resolutions to be moved in the formal meetings.

5. Resolution of congratulation to His Majesty the King-Emperor on the 25th anniversary of his Reign.

6. To receive a statement from His Highness the Chancellor regarding accounts of the Chamber Fund for the last two years and to pass the budget of the Chancellor's Office for the ensuing year.

7. To receive the Ministers' Report regarding their work at the J.P.C.

8. Any other points emerging from the meetings of the Standing Committee.

:-:-:-:-:-:

Office of H.H. the Chancellor, Chamber of Princes.

Programme of meetings to be held in January, 1935.

14th January.	Informal meeting of the Standing Committee.
15th January.	Informal meeting of the Standing Committee.
16th January.	Informal meeting of the Standing Committee.
17th January.	Informal meeting of the Princes.
18th January.	Informal meeting of the Princes.
19th January.	Informal meeting of the Princes.
20th January.	Informal meeting of the Princes. (Provisional)
21st January and succeeding days.	Chamber of Princes Session.

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P. No. 135/Enclosures six

CB. 1172

The Palace,

Mysore, 16th January 1935.

CS. 33-44-5

File

3890

Dear Mr.Ranga Rao,

I am directed to forward herewith for favour of disposal the Agenda and Work-card relating to the session of the Chamber of Princes to be held in New Delhi from the 21st January 1935 together with the explanatory memoranda,received from the Secretary of the Chamber of Princes, Foreign and Political Department,New Delhi.

Yours sincerely,

Rajasevasakata
R.Ranga Rao,Esq.,B.A.,B.L.,
Chief Secretary to the Government
of H.H.the Maharaja of Mysore.Bangalore.

FOREIGN & POLITICAL DEPARTMENT.

~~Simla~~
New Delhi, the 11 January 1935.

Forwarded with the compliments of the Secretary of the Chamber of Princes.

F. & P 63A.

Provisional.

A G E N D A.

CHAMBER OF PRINCES.

January 1935.

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1. Resolution of congratulations by His Highness the Maharaja of Patiala to His Majesty the King-Emperor on his Silver Jubilee.

2. Resolution of condolence by His Highness the Maharaja of Patiala on the death of His late Highness the Maharaja of Nawanagar.

3. Resolution of condolence by His Highness the Maharaja of Patiala on the deaths of Their Highnesses the Maharajas of Sirmur and Dewas (Junior) and the Thakur Saheb of Wadhwan.

4. Resolution of welcome by His Highness the Maharaja of Patiala to Their Highnesses the Raja of Faridkot and the Nawab of Janjira.

5. To receive a statement from His Highness the Maharaja of Patiala reviewing the work performed by the Chamber of Princes during the last two years.

6. To receive from His Highness the Maharaja of Patiala the reports of Sahibzada Sir Abdus Samad Khan and Sir V.T.Krishnamachari regarding their work as representatives of India at the meetings of the League of Nations held in 1933 and 1934, respectively.

7. To receive a statement from His Highness the Maharaja of Patiala regarding the work of the Representatives of the Chamber of Princes at the last meeting of the Joint Parliamentary Committee.

8. Resolutions on matters arising out of the Report of the Joint Parliamentary Committee.

9. To consider the recommendation of the Standing Committee regarding the amendment of the Government of India Resolution relating to Radio Broadcasting in British India and its application to Indian States.

10. To consider the recommendations of the Standing Committee regarding the principles to be observed in connection with the construction of dams in Indian States.

11. To consider the recommendation of the Standing Committee regarding the transfer of Makrai from Part IV to Part V of the appendix to Regulation IV of the First Regulations of the Chamber of Princes.

12. Elections of -

    (a) The Chancellor.

    (b) The Pro-Chancellor, and

    (c) The Standing Committee.

W O R K - C A R D.

CHAMBER OF PRINCES (NARENDRA MANDAL)
(To be held at the Princes' Chamber, Council House, New Delhi, at 11 A.M. (Delhi time) daily).

January 1935.

Monday, the 21st January 1935.

1. His Excellency the Viceroy will on arrival greet the Members and Representative Members who will be presented individually by His Highness the Chancellor.

2. His Excellency the Viceroy will deliver an address.

3. Resolution by His Highness the Maharaja of Patiala congratulating His Majesty the King-Emperor on the completion of 25 years of His Majesty's beneficent reign over his Empire. (Agendum No. 1).

4. Resolution of condolence by His Highness the Maharaja of Patiala on the death of His late Highness the Maharaja of Nawanagar. (Agendum No. 2).

5. Resolution of condolence by His Highness the Maharaja of Patiala on the deaths of Their Highnesses the Maharaja of Sirmur and Dewas (Junior) and the Thakur Saheb of Wadhwan. (Agendum No. 3).

6. Resolution of welcome by His Highness the Maharaja of Patiala to Their Highnesses the Raja of Faridkot and the Nawab of Janjira. (Agendum No. 4).

7. To receive a statement from His Highness the Maharaja of Patiala reviewing the work performed by the Chamber of Princes during the last two years. (Agendum No. 5).

8. To receive from His Highness the Maharaja of Patiala the reports of Sahibzada Sir Abdus Samad Khan and Sir V.T. Krishnamachari regarding their work as representatives of India at the meetings of the League of Nations held in 1933 and 1934, respectively. (Agendum No. 6).

Tuesday, the 22nd January 1935.

1. To receive a statement from His Highness the Maharaja of Patiala regarding the work of the Representatives of the Chamber of Princes at the last meeting of the Joint Parliamentary Committee. (Agendum No. 7).

2. Resolutions on matters arising out of the Report of the Joint Parliamentary Committee. (Agendum No. 8).

Wednesday
~~Thursday~~, the 23rd January 1935.

1. To consider the recommendation of the Standing Committee regarding the amendment of the Government of India Resolution relating to Radio Broadcasting in British India and its application to Indian States. (Agendum No.9).

2. To consider the recommendations of the Standing Committee regarding the principles to be observed in connection with the construction of dams in Indian States. (Agendum No.10).

3. To consider the recommendation of the Standing Committee regarding the transfer of Makrai from part IV to Part V of the appendix to Regulation IV of the First Regulations of the Chamber of Princes. (Agendum No.11).

4. Elections. (Agendum No.12).

5. Reply of the Members and Representative Members to His Excellency the Viceroy's Opening Address.

6. His Excellency the Viceroy will then conclude the proceedings.

Memorandum Explanatory of Agendum No.1.

The following resolution will be moved by His Highness the Maharaja of Patiala:-

"The Ruling Princes and Chiefs of India represented in this Chamber request His Excellency the Viceroy to convey to His Imperial Majesty the King-Emperor the expression of their unalterable devotion to the Throne of England and their loyalty to his person, and their felicitations and sense of profound happiness on the completion of 25 years of His Majesty's beneficent reign over his Empire, and their earnest prayers that His Majesty may live long to rule over his beloved subjects."

Memorandum Explanatory of Agendum No. 2.

The following resolution will be moved by His Highness the Maharaja of Patiala:-

"The Chamber of Princes records its heartfelt sorrow and deep sense of loss sustained by the entire Order of Princes at the demise of His Highness Maharaja Jam Shri Ranjit Singhji of Nawanagar who was one of the founders of the Chamber, a member of its Standing Committee from the beginning and its Chancellor in 1932-33, and offers its sincerest condolence to his family."

Memorandum Explanatory of Agendum No. 3.

The following resolution will be moved by His Highness the Maharaja of Patiala:-

"The Chamber of Princes records its heartfelt sorrow at the sad demise of Their Highnesses the Maharajas of Sirmur and Dewas (Junior) and the Thakur Saheb of Wadhwan, together with its sense of the loss thereby sustained by

the....

the entire Order of Princes and offers its sincerest sympathies and condolences to the bereaved families."

Memorandum Explanatory of Agendum No.4.

The following resolution will be moved by His Highness the Maharaja of Patiala:-

"The Chamber of Princes offers its heartiest congratulations to Their Highnesses the Raja of Faridkot and the Nawab of Janjira on their assump of power and welcomes them in its midst, wishing them a long and prosperous reign."

MEMORANDUM EXPLANATORY OF AGENDUM No

Principles to be observed in regard to Radio Broadcasting in British India and their application to Indian States.

Clause 6 of paragraph 2 of the Resolution by the Government of India in the Foreign and Political Department, No. F-178-R./30, dated the 22nd February 1932, runs as follows:—

> "With regard to the importation of Radio apparatus through the port of an Indian State, the Government of India would be glad if the Darbar concerned would levy customs duty thereon at rates not lower than those in force at ports in British India. It is also considered desirable that persons wishing to import wireless apparatus into an Indian State should be required by the Darbar concerned to enter into an undertaking that the apparatus thus imported will not be taken into British India except under licence from the Government of India."

It has been pointed out that while a person wishing to import wireless apparatus into an Indian State is required by the Darbar concerned to enter into an undertaking that the apparatus thus imported will not be taken into British India except under licence from the Government of India, it is not obligatory on the Government of India to require persons wishing to import wireless apparatus from British India into Indian States to do so only under licence from the Darbar concerned, and that it is desirable that in this matter, as in others, there should be complete reciprocity between British India and the Indian States.

The question was discussed at the meeting of the Standing Committee of the Chamber of Princes held on the 22nd January 1934 and it was decided that the second sentence of the clause referred to above should be expunged and the following provision substituted for it:—

> "It is also considered desirable that the Government of India and the States should reciprocate and co-operate in so far as is reasonably practicable to prevent the evasion of rules made by either in regard to the transport of wireless apparatus across the respective frontiers."

The question is now for the consideration of the Chamber.

GIPD—487(C)F&PD—S2—17-12-34—1,000.

MEMORANDUM EXPLANATORY OF AGENDUM NO. 10.

Construction of Dams in Indian States for the development of water power.

It is expected that the development of hydro-electric enterprise in India will lead in time to the construction of many high dams in different places, for these will be necessary where large quantities of water are to be impounded.

The design and construction of such dams is not a simple matter; indeed it may be said that no form of construction undertaken to-day by the civil engineer requires more skill at the designing stage, and sounder work and more careful supervision during construction than is the case with high dams, whether they are built of masonry, of concrete, or of earth. In view of this, and in view of the enormous damage which is almost certain to result in the event of the failure of a dam, the Government of India regard it as a matter of essential importance that every precaution should be taken both as regards design and construction.

2. A suggested model agreement form is printed at pages 171-184 of Volume III of the Triennial Report of the Hydro-Electric Survey of India, 1919-1921, covering most of the points likely to arise when there are negotiations between Government and a promoter for the use of the water-power available at a given site.

3. In accordance with Clause XVIII of this model agreement form the Government of India in 1923 admitted a general liability in respect of any damage which might be caused in Indian States by the bursting of dams in British India, and it was assumed that Darbars would admit a similar reciprocal liability. In order to clear up the position a summary of principles was drawn up by the Government of India and placed before the Standing Committee of the Chamber of Princes at their meeting held on the 22nd March 1929. It was then decided that a Sub-Committee of experts be appointed by the Princes to advise them on the points raised in the Summary and that, after receiving that advice from the experts, the Princes would bring the matter again before the Standing Committee. At the meeting of the Standing Committee held on the 27th March 1930, the report of the Sub-Committee of experts was read out by His Highness the Chancellor, who suggested that when the Report had been considered by the Government of India, a meeting might be arranged between the representatives of the Government of India and the Ministers to consider the question further, the result of the joint deliberations being placed before the Standing Committee. The recommendations of the Committee of experts were considered by the Government of India and, as a result, the Summary was amended as shown in Column II of enclosure I. A meeting of the Ministers nominated by His Highness the Chancellor and

of the representatives of the Government of India was held on the 4th June 1931, and it was unanimously decided that the Summary should be revised as shown in Column III of enclosure I.

4. The revised Summary was discussed by the Standing Committee at its meeting held on the 25th February 1933 when they desired elucidation on a few points of minor importance, which, together with the observations made by the Government of India on them, are explained in the memorandum attached (Enclosure II).

5. At the meeting held on the 22nd January 1934, the Standing Committee approved the Summary in Column III of enclosure I with the addition of the words " or from civil commotion " after " convulsion of nature " in paragraph 3 and the substitution of a comma and the words ' to be constituted as prescribed ' for the words ' as prescribed ' in paragraph 5.

6. The Summary as finally amended by the Standing Committee is shown in Column IV of enclosure I and is for the approval of the Chamber of Princes.

Enclosure I.

CONSTRUCTION OF DAMS IN INDIAN STATES.

Summary as originally prepared by the Government of India.	Summary as amended by the Government of India after considering the recommendations of the Standing Committee at their meeting held on the 27th March 1930.	Summary as amended by the Special Committee at their meeting held on the 4th June 1931.	Summary as approved by the Standing Committee at their meeting held on the 22nd January 1934.
1	2	3	4
When undertaking or agreeing to the construction within their territories of any dam, a local Government or a Darbar should recognise the following principles in regard to liability for damages :—	When undertaking or agreeing to the construction within their territories of any dam, a local Government or a Darbar should recognise the following principles in regard to liablity for damages :—	When undertaking or agreeing to the construction within their territories of any dam, a local Government or a Darbar should recognise the following principles in regard to liability for damages :—	When undertaking or agreeing to the construction within their territories of any dam, a local Government or a Darbar should recognise the following principles in regard to liability for damages :—
2. The local Government or Darbar within whose territories the works are situated will be primarily liable for all loss or damage to life or property caused to any other territories through the bursting or collapse of, or leakage or overflow from reservoirs, channels or pipe lines or through any failure of the works constructed. Such liability will include the obligation to indemnify the Governments or Administrations of other territories against all actions, suits, claims and demands on account of any loss or damage ensuing from the causes above mentioned.	2. The local Government or Darbar within whose territories the works are situated will be primarily liable for all loss or damage to life or property **directly and proximately** caused to any other territories through the bursting or collapse of, or leakage or overflow from, reservoirs, channels or pipe lines or through any failure of the works constructed. Such liability will include the obligation to indemnify the Governments or Administrations of other territories against all **successful** actions and suits and against **any other bona fide** claims and demands on account of any loss or damage ensuing from the causes above mentioned.	2. The local Government or Darbar within whose territories the works are situated will be primarily liable for all loss or damage to life or property directly and proximately caused to any other territories through the bursting or collapse of, or overflow from, reservoirs, channels or pipe lines or through any failure of the works constructed. **Subject always to the principle of contributory negligence,** such liability will include the obligation to indemnify the Governments or Administrations of other territories against **all** *bona fide* claims and demands on account of any loss or damage ensuing from the causes above mentioned.	2. The local Government or Darbar within whose territories the works are situated will be primarily liable for all loss or damage to life or property directly and proximately caused to any other territories through the bursting or collapse of, or overflow from, reservoirs, channels or pipe lines or through any failure of the works constructed. Subject always to the principle of contributory negligence, such liability will include the obligation to indemnify the Governments or Administrations of other territories against all *bona fide* claims and demands on account of any loss or damage ensuing from the causes above mentioned.
3. Provided that no liability shall be incurred on account of any loss or damage ensuing from an earthquake or from any convulsion of nature which could not reasonably be anticipated or from any act of the King's enemies.	3. Provided that no liability shall be incurred on account of any loss or damage ensuing from an earthquake or from any convulsion of nature which could not reasonably be anticipated or from any act of the King's enemies.	3. Provided that no liability shall be incurred on account of any loss or damage **which could not have been prevented** or avoided by reasonable care and foresight and caused from earthquake or any other convulsion of nature or any act of the King's enemies.	3. Provided that no liability shall be incurred on account of any loss or damage which could not have been prevented or avoided by reasonable care and
4. Where any local Government or Darbar permits the construction of a dam within their territories by another local Government or Darbar	4. Where any local Government or Darbar permits the construction of a	4. Where any local Government or	

or by any grantees or concessionaires, it will rest with the grantor to see that the agreement drawn up with the grantee contains due provision for the indemnification of the grantor against any claim for damages which may arise owing to the failure of the dam.

dam within their territories by another local Government or Darbar or by any grantees or concessionaires, it will rest with the grantor to see that the agreement drawn up with the grantee contains due provision for the indemnification of the grantor against any claim for damages which may arise owing to the failure of the dam.

5. For the purpose of adjudicating responsibility for damage and the settlement of claims, Courts of Arbitration shall be appointed as prescribed in the Resolution of the Government of India in the Foreign and Political Department, No. 427-R., dated the 29th October, 1920, as amended by their Resolution No. 224-P., dated the 3rd May 1926.

Darbar permits the construction of a dam within their territories by another local Government or Darbar or by any grantees or concessionaires, it will rest with the grantor to see that the agreement drawn up with the grantee contains due provision for the indemnification of the grantor against any claim for damages which may arise owing to the failure of the dam.

5. For the purpose of adjudicating responsibility for damages and the settlement of claims, Courts of Arbitration shall be appointed as prescribed in the Resolution of the Government of India in the Foreign and Political Department, No. 427-R., dated the 29th October 1920, as amended by their Resolution, No. 224-P., dated the 3rd May 1926, **and their awards shall be binding on the parties to the dispute.**

foresight and ensued from earthquake or any other convulsion of nature **or from civil commotion** or any act of the King's enemies.

4. Where any local Government or Darbar permits the construction of a dam within their territories by another local Government or Darbar, or by any grantees or concessionaires, it will rest with the grantor to see that the agreement drawn up with the grantee contains due provision for the indemnification of the grantor against any claim for damages which may arise owing to the failure of the dam.

5. For the purpose of adjudicating responsibility for damages and the settlement of claims, Courts of Arbitration shall be appointed , **to be constituted as psescribed in the Resolution of the Government of India in the Foreign and Political Department, No. 427-R., dated the 29th October 1920, as amended by their Resolution, No. 224-P., dated the 3rd May 1926, and their awards shall be binding on the parties to the dispute.**

Enclosure II.

MEMORANDUM.

At the meeting of the Standing Committee held on the 25th February 1933 the following points were raised in connection with the revised summary (*vide* Column III of enclosure I to the Explanatory Memorandum) regarding the construction of dams in Indian States :—

(1) Does the summary apply to existing dams ?

(2) Does the phrase " convulsion of nature " occurring in paragraph 3 of the summary include phenomenal rainfall ? It was pointed out that many of the dams which were of earthwork constructed with an escape, in spite of all precautions and allowances for maximum rainfall, were liable to be swept away by some extraordinary fall of rain occurring over a very short space of time, say 24 hours.

(3) Does " any act of the King's enemies " include " civil riot and commotion ", *i.e.*, destruction of dams by revolutionaries by bombs and so on ?

(4) Upon whom does the responsibility rest in the case of dams constructed by the British Government in an Indian State ?

The following observations are made on the above points :—

(1) It is clear from the preamble to the summary that it purports to apply only to dams hereinafter constructed.

(2) The questiton is really one of fact but it is clear that, under certain local conditions, nature may be convulsed by events which, in other local conditions, would leave her unshaken. Thus a fall of 20 inches of rain within the space of 12 hours on the crest of the Western Ghats or at Cherra Punji will pass on unnoticed to the sea, but the same fall in a dry area not provided with natural drainage channels may well constitute a convulsion of nature. In this connection the best thing would be to reproduce a passage from " Farnham on Waters ", Volume II, page 1840.

" *577a.* What is extraordinary flood ? An extraordinary flood, for the injury caused by which in combination with an obstruction placed in the stream the owner of the obstruction is not liable, is one which men of ordinary prudence would not have anticipated and provided for. A flood is not extraordinary which is such as residents of the neighbourhood might expect from their observation. The rule is stated by the Alabama court as follows : Floods such as from climatic and geographical conditions may reasonably be expected, whether of frequent or infrequent occurrence, must be taken into consideration in estimating hazards attending the obstruction of water-courses. The term " act of God ", in its legal sense, applies only to events in nature so extraordinary that the history of climatic variations and other conditions in the particular locality affords no reasonable warning of them. And

that rule must be regarded as the proper one. The Illinois court of appeals held that extraordinary floods are those not occurring annually. But the mere fact that a flood does not occur annually will not make it an extraordinary one, if from the climatic conditions and the character of the country, it is likely to occur, and has been known to occur, with sufficient frequency to warn those living in the vicinity that it is likely to occur at any time. The question whether a flood is ordinary or extraordinary is in most cases for the jury ".

(3) Civil commotion is not an act of the King's enemies.

(4) It will be observed from paragraphs 2 and 4 of the summary that the State within whose territories the works are situated will be primarily liable for all loss or damage to life or property, but that before permitting the construction of a dam within its territories, it will be for the State concerned to protect itself by an agreement with the British Government or any other guarantee, as the case may be, for indemnification against any claim for damages which may arise owing to the failure of the dam.

L121FD—1,0

MEMORANDUM EXPLANATORY OF AGENDUM No. // .

TRANSFER OF MAKRAI FROM PART IV TO PART V OF THE APPENDIX TO REGULATION IV OF THE FIRST REGULATIONS OF THE CHAMBER OF PRINCES.

In the Appendix to the Regulations for the appointment of Representative Members of the Chamber of Princes (*vide* page 5 of the Handbook of the Chamber of Princes). Makrai is included among the States in the Central Provinces. In view of the fact that its political relations are now conducted through the Agent to the Governor General in Central India, it is proposed to transfer the State from Part IV (States in the Central Provinces) to Part V (States in Central India) of the Appendix. This proposal involves the amendment of the First Regulations and the approval of the Chamber of Princes is accordingly sought under clause 12 of its constitution.

GIPD—487(C)F&PD—S2—17-12-34—1,000.